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FISCAL IMPACT STATEMENT

LS 6052

BILL NUMBER: HB 1021

NOTE PREPARED: Oct 30, 2003

BILL AMENDED:

SUBJECT: Absentee voting.

FIRST AUTHOR: Rep. Brown C

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill requires an individual who votes an absentee ballot by mail to provide identifying documentation. The bill restricts who may assist a voter in applying for an absentee ballot and who may transmit a completed application to the circuit court clerk. This bill requires the circuit court clerk to compare the signature on an absentee ballot application to the signature on the voter's registration record. The bill provides that a voter who will be absent from the county on election day is not entitled to vote an absentee ballot by mail.

The bill requires a court or the State Recount Commission to order a special election if the court or Commission finds that pervasive fraud, tampering, or misconduct that occurred during the election raises a reasonable doubt regarding the integrity of the results of the election. The bill provides that a person who does certain acts with respect to an absentee ballot application commits a Class D felony. The bill provides that the statute of limitations period for prosecution of a felony violation of the vote fraud statute is seven rather than five years.

Effective Date: July 1, 2004.

Explanation of State Expenditures: *Summary:* Under the bill, if an un-authorized individual knowingly or intentionally completes, assists, signs, faxes, mails, hand delivers a completed absentee ballot application, or falsely states information to entitle a voter to vote by mail absentee ballot commits a Class D felony.

Penalty Provision: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food,

and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Summary:* The bill would change some of the responsibilities to the county election board and the circuit court clerk regarding the processing of absentee ballots by mail. Under the bill, the proposed limit on individuals who may fax, mail, or hand deliver an absentee ballot on behalf of a voter may reduce the number of absentee ballots processed by either the county voter registration office or the circuit court clerk. The impact to local expenditures is unknown and would depend on the county.

Under the bill, the following individuals may help a voter complete an absentee ballot: caretakers, household members, the voter's attorney, or an individual designated by the circuit court clerk to provide assistance.

Penalty Provision: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies, circuit court clerk, county voter registration office.

Information Sources:

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